

## FIFTY-SEVENTH DAY

(Friday, April 18, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Goodman
Allen	Halsey
Allison	Hanna
Alsup	Hardeman
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Blankenship	Hileman
Brawner	Hobbs
Bridgers	Howard
Brown	Howington
Bruhl	Hoyo
Bullock	Huddleston
Bundy	Huffman
Burkett	Hughes
Burnaman	Humphrey
Carlton	Hutchinson
Carrington	Isaacks
Cato	Jones
Celaya	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	King
Connelly	Klingeman
Craig	Knight
Crossley	Lansberry
Crothwait	Lehman
Daniel	Leyendecker
Davis	Lock
Deen	Love
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	McNamara
Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Fuchs	Matthews
Gandy	Mills
Garland	Montgomery
	Moore

Morgan	Sharpe
Morris	Shell
Morse	Skiles
Murray	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Spacek
Parker	Spangler
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Thornton
Reed of Bowie	Turner
Reed of Dallas	Vale
Ridgeway	Walters
Rhodes	Wattner
Roark	Weatherford
Roberts	White
Sallas	Whitesides
Senterfitt	Winfree

## Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we thank Thee for Thy goodness to us in so many ways. Made in Thine image, help us to carry that image worthily. World conditions reveal the results of the selfish ambitions of evil men. Lord guide us, our State, and our country aright in these times. For Jesus' sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hargis for today on motion of Mr. Fitzgerald.

Mr. Simpson for today on motion of Mr. McAlister.

Mr. Bray for today on motion of Mr. Dickson of Nolan.

Mr. Voigt for today on motion of Mr. Skiles.

Mr. Boone for today on motion of Mr. Goodman.

Mr. Gilmer for today on motion of Mr. Stinson.

Mr. Chambers for today on motion of Mr. Howington.

Mr. Anderson for today account of important State business, on motion of Mr. Winfree.

Mr. Taylor for today on account of military service, on motion of Mr. Klingeman.

Mr. Martin for today on account of illness, on motion of Mr. McGlasson.

#### PROVIDING FOR JOINT SESSION OF THE LEGISLATURE

Mr. Celaya offered the following resolution:

H. C. R. No. 97, Providing for Joint Session of the Legislature to hear address of Governor W. Lee O'Daniel.

Be It Resolved by the House of Representatives, the Senate concurring, That the two Houses meet in joint session at 10:30 on the morning of Friday, April 18, 1941, for the purpose of hearing an address by his Excellency, Governor W. Lee O'Daniel.

The resolution was read second time and was adopted.

#### EXTENDING INVITATION OF THE HOUSE

Mr. Evans offered the following resolution:

H. S. R. No. 213, Extending Invitation of the House.

Whereas, Members of the Legislative Agricultural Subcommittee and numerous other members of the 47th Legislature heard a number of Future Farmers of America and 4-H Club members in a special meeting in the High School Auditorium at Denison, Saturday, April 12, 1941; and

Whereas, A number of boys and girls upon whom the future prosperity and future ideals and future policies of Texas will depend were present and participated in the program, delivering orations on suggested legislative improvements for agriculture in this State; and

Whereas, Texas is a great agricultural empire, and the members of this Legislature are greatly inter-

ested in the views, ideals, and aspirations of the young people of this State and desire to encourage them in their worthy activities, and believe it would be informative to this Legislature as to the line of thought and viewpoint of the young people of Texas to hear the orations of the two boys, Fred Fink and T. L. Taylor, and the two girls, Miss Betty K. Russell and Alta Frances, who were selected as having delivered the most outstanding orations at the above mentioned meeting at Denison; therefore, be it

Resolved, That the time of this Legislature, at 2:00 o'clock p. m., Monday, April 28, 1941, be devoted to hearing the boys and the girls whose orations were pronounced as the most outstanding as above mentioned, and that such boys and such girls each be and are hereby invited to visit this Legislature and to deliver for the edification of this body the interesting addresses they delivered at said meeting in Denison; and further, be it

Resolved, That the Chairman of said Legislative Agricultural Committee be and he is hereby instructed to convey this invitation to said boys and to said girls, with the compliments of this legislative body.

The resolution was read second time and was adopted.

#### COMMENDING THE COTTON GINNERS OF TEXAS

Mr. Fuchs offered the following resolution:

H. C. R. No. 95, Commending the Cotton Ginnery of Texas.

Whereas, Cotton has in the past and does today constitute the greatest source of income to Texas farmers, and serves to provide employment for many of our people and otherwise gives strength to the state's economic structure, and

Whereas, Many manufacturing, processing and distributing agencies, such as cotton seed oil mills, grain dealers are using bags and other containers made of material which might well be made of cotton, and

Whereas, Some cotton ginneries are now using cotton bagging instead of imported jute wrapping in an effort to increase cotton consumption, and

Whereas, We are constantly on the lookout for new and increased uses for cotton in an effort to add to the income of Texas cotton farmers and the increase of the income of the whole of the people of the State, now therefore

Be it resolved by the House of Representatives, the Senate concurring, That we commend the cotton ginnerers of Texas for their efforts to bring about a wider use of cotton bagging and thus create a greater demand for the State's greatest cash crop, and also for the passage of a resolution at their recent annual convention held in the City of San Antonio expressing their desire and willingness to continue their efforts along such lines, and

Be it further resolved, That we call upon and urge the grain dealers of this State and the operators of cotton seed oil mills, flour mills and other manufacturing and distributing agencies to lend their support to the greatest cotton consumption program when it is at all practical to do so, and

Be it further resolved, That farmers and livestock people throughout the State are urged to demand that manufacturers, processors and distributors of food and feed products pack their commodities in cotton bags and/or containers, and

Be it further resolved, That we commend the efforts of the National Cotton Council, and the Texas division thereof, for the very effective work they have done and are now doing to increase the consumption of cotton.

FUCHS,  
FILES,  
MOORE,  
SHARPE,  
DEEN,  
HOWINGTON,  
CHAMBERS,  
EVANS,  
HUDDLESTON,  
BURKETT,  
BAILEY.

The resolution was read second time and was adopted.

(Mr. McGlasson in the Chair.)

#### AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Clark offered the following resolution:

H. C. R. No. 96, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Palo Pinto and other nearby counties and within the Highway district which includes Palo Pinto County; and

Whereas, The city of Mineral Wells is greatly in need of some of this discarded wire for purposes of protecting the fish life of Lake Mineral Wells; and

Whereas, Some of this discarded wire could be used to build a protective net at the gates of this lake; therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the State Highway Department of Texas be authorized to lend to the above-mentioned city sufficient quantities of the discarded wire hereinabove mentioned to enable them to provide the needed wire for this lake; the said wire to be returned to the State Highway Department if and when requested.

The resolution was read second time and was adopted.

(Speaker in the Chair.)

#### AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Dove offered the following resolution:

H. C. R. No. 98, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a rock crusher and certain other equipment in Limestone County and in other adjacent counties which equipment is not being used; and

Whereas, The City of Groesbeck is presently engaged in certain city improvements on and adjoining

Highway No. 14 in said city in connection with which it is considered necessary to use some of this equipment; and which improvements may be available for use to the public generally by reason of their public nature and location upon said Highway No. 14; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to lend the City of Groesbeck said rock crusher hereinabove mentioned and such other discarded equipment as may be available for the purpose above set out; said City of Groesbeck to return such equipment upon request of the State Highway Department of the State of Texas, and it is so resolved.

The resolution was read second time and was adopted.

#### DESIGNATING A CENTENNIAL OF STATEHOOD COMMISSION

The Speaker laid before the House, for consideration at this time, the following resolution:

H. S. R. No. 187, by Mr. Carrington, Designating a Centennial of Statehood Commissioner.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

Mr. Carrington moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 18, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 78, A bill to be entitled "An Act to provide for agreements between the Commissioners Court of

any county in this State, relative to resettlement of rural rehabilitation projects; etc.; and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act providing for the employment in certain counties of two (2) rural school supervisors; etc.; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act to create and dedicate a State Park in the County of Cherokee, etc.; and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act to amend subject matter embraced in Section 1, Section 25, Section 31, Section 32, Section 36, Section 57, and Section 65 of H. B. No. 407; etc.; and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act amending Section 6 of Senate Bill No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; etc.; and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act to amend Article 6078 of the Revised Civil Statutes of Texas, 1925, so as to fix the number and extent of county parks; and declaring an emergency." (With amendments.)

H. B. No. 286, A bill to be entitled "An Act requiring employers to protect the contractual and/or seniority rights of employees entering military service, or seeking, or appointed to, or elected to public office; etc.; and declaring an emergency."

H. B. No. 288, A bill to be entitled "An Act to authorize the County Commissioners of any county having a County Court at Law to appoint an official interpreter for the County Court at Law in such county; etc.; and declaring an emergency." (With amendments.)

H. B. No. 295, A bill to be entitled "An Act amending Section 19, subsection h, of Senate Bill No. 5, Acts

of the Forty-fourth Legislature, Second Called Session, affecting the appointment and salaries of deputies in the offices of District Clerks in certain counties; and declaring an emergency."

Adopted

H. C. R. No. 97, Providing for a Joint Session of the House and Senate to hear His Excellency, Hon. W. Lee O'Daniel.

Passed

H. B. No. 371, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities, etc.; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act to amend Article 1107, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Acts of the Forty-second Legislature, Chapter 250, page 417, adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells, etc.; and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session, Forty-third Legislature, by adding a new section to be known as Section 3a, to provide that Directors of the Authority who shall be appointed subsequent to the effective date of this Act shall be residents of and freehold property taxpayers of the counties comprising the district known as the Lower Colorado River Authority, etc.; and declaring an emergency." (With amendments.)

H. B. No. 434, A bill to be entitled "An Act relating to marks and brands of live stock in Austin County only; etc.; and declaring an emergency." (With amendments.)

H. B. No. 855, A bill to be entitled "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive, etc.; and declaring an emergency."

Adopted

H. C. R. No. 59, Providing for a monthly allowance in the grants given to old age assistance recipients for the specific purpose of paying for burial insurance policies.

H. C. R. No. 67, Granting permission to J. L. Kelley and wife to bring suit against the State. (With amendments.)

H. C. R. No. 68, Granting Dr. J. R. Nichols and wife permission to sue the State. (With amendments.)

Passed

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of Texas of 1925, providing that loans insured by the Federal Housing Administration may be available to the public affected thereby; and declaring an emergency." (With amendments.)

H. B. No. 489, A bill to be entitled "An Act providing that in counties having a population of not less than thirty-one thousand, five hundred (31,500) and not more than thirty-two thousand, according to the last preceding Federal Census, etc.; and declaring an emergency."

H. B. No. 529, A bill to be entitled "An Act fixing the compensation of County Commissioners in all counties with a population of not less than twenty-thousand, three hundred, nor more than twenty thousand, four hundred and sixty inhabitants, etc.; and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act amending Chapter 10, Special Laws Forty-fourth Legislature, Regular Session, as amended in House Bill No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County eligible to the provisions of this Act."

H. B. No. 749, A bill to be entitled "An Act to amend Section 1, House Bill No. 320, Chapter 268, page 396, Acts of the Regular Session of the Fortieth Legislature, as amended by Section 1, House Bill No. 836, Chapter 227, page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of nonresident fishing license and artificial lure license; and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts; and declaring an emergency." (With amendments.)

H. B. No. 593, A bill to be entitled "An Act providing for the appointment by the District Judge of the Sixteenth Judicial District of Texas, of an official shorthand reporter for such district, etc.; and declaring an emergency." (With amendments.)

S. B. No. 215, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the Nepotism Law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years, etc.; and declaring an emergency."

S. B. No. 369, A bill to be entitled "An Act to amend Section 1 of Chapter 88, page 189, Special Laws, 42nd Legislature, Regular Session, 1931, to empower and authorize certain counties to establish, own and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act to amend Article 637 of the Penal Code of Texas so that the same shall read as hereinafter stated, and providing for the destruction of gambling equipment and

paraphernalia by order of the court; etc.; and declaring an emergency."

S. B. No. 432, A bill to be entitled "An Act to amend Section 8 of House Bill No. 266, Chapter 4, Acts 1935, 44th Legislature, Regular Session, page 11, as amended by Section 1 of House Bill No. 82, Chapter 34, Acts of 1937, 45th Legislature, Second Called Session, page 1915, etc.; and declaring an emergency."

Senate grants the request of the House for the return of Senate Bill No. 65, and the bill is herewith returned.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

COMMITTEE APPOINTED TO ESCORT GOVERNOR W. LEE O'DANIEL TO SPEAKER'S STAND

The Speaker announced the appointment of the following committee to escort Governor W. Lee O'Daniel to the Speaker's stand:

Messrs. Daniel, Goodman, Favors, Davis and Price.

ADDRESS BY GOVERNOR W. LEE O'DANIEL

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 97, adopted by the House and Senate on this morning for the purpose of hearing His Excellency, Governor W. Lee O'Daniel, at 10:30 o'clock a. m., today, the Honorable Senators escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and being duly admitted were escorted to seats prepared for them along the aisle.

Lieutenant Governor Coke R. Stevenson was escorted to a seat on the Speaker's stand.

Honorable W. Lee O'Daniel, and party, escorted by Messrs. Daniel, Goodman, Favors, Davis, and Price, Committee on the part of the House, were announced at the bar of the House and being admitted were escorted to seats on the Speaker's stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order

and stated that the two Houses were in joint session for the purpose of hearing Governor W. Lee O'Daniel.

The Lieutenant Governor directed the clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum of the Senate was announced present.

Speaker Homer Leonard called the House to order and directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Coker
Allen	Colson, Mrs.
Allison	Connelly
Alsup	Craig
Avant	Crossley
Bailey	Crosthwait
Baker	Daniel
Bell	Davis
Benton	Deen
Blankenship	Dickson of Bexar
Brawner	Dickson of Nolan
Bridgers	Donald
Brown	Dove
Bruhl	Duckett
Bullock	Dwyer
Bundy	Ellis
Burkett	Eubank
Carlton	Evans
Carrington	Favors
Cato	Ferguson
Celaya	Files
Clark	Fitzgerald

Fuchs	McNamara
Gandy	Manford
Garland	Manning
Goodman	Markle
Halsey	Matthews
Hanna	Mills
Hardeman	Montgomery
Harris of Dallas	Moore
Harris of Hill	Morgan
Hartzog	Morris
Heflin	Morse
Helpinstill	Murray
Henderson	Nicholson
Hileman	Pace
Hobbs	Parker
Howard	Pevehouse
Howington	Phillips
Hoyo	Price
Huddleston	Rampy
Huffman	Reed of Bowie
Hughes	Reed of Dallas
Humphrey	Ridgeway
Hutchinson	Rhodes
Isaacks	Roark
Jones	Roberts
Kelly	Sallas
Kennedy	Senterfitt
Kersey	Sharpe
Kinard	Shell
King	Skiles
Klingeman	Smith of Bastrop
Knight	Smith of Atascosa
Lansberry	Spacek
Lehman	Spangler
Leyendecker	Stanford
Lock	Stinson
Love	Stubbs
Lowry	Thornton
Lucas	Turner
Lyle	Vale
McAlister	Walters
McCann	Wattner
McDonald	Weatherford
McGlasson	White
McLellan	Whitesides
McMurry	Winfree

Absent

Bean	Cleveland
Burnaman	

Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

A quorum of the House was announced present.

Speaker Leonard then presented Honorable Price Daniel who presented Governor W. Lee O'Daniel to the Joint Session.

Governor O'Daniel then addressed the Joint Session as follows:

April 18, 1941.

To the Members of the Forty-seventh Legislature:

Today I desire to give you some important statistical information which may be of some benefit to you in deciding a very important matter now before you, namely, the abolition of a practice which is in direct violation of God's Commandment, "Thou Shalt Not Kill."

I shall read to you a sermon delivered by one of our foremost students and authorities on religious history, Dr. M. E. Sadler, Pastor of the Central Christian Church of Austin, Texas:

#### Sermon on Capital Punishment

Preached by Dr. M. E. Sadler at  
Central Christian Church, Austin, Texas, Sunday, March  
5, 1939.

As a part of the Sermon on the Mount Jesus said, "You have heard, 'An eye for an eye, and a tooth for a tooth,' but I say unto you, . . ."

It is our firm conviction that no problem in life is foreign to religion, and certainly any question which deals with the life and death of human beings is basically a religious question. I am, therefore, happy this morning to comply with many requests and preach on the subject of capital punishment.

I believe that many of you know that I would not approach any discussion such as this without a very careful examination of the most authoritative and helpful studies and sources available.

The people gathered in this sanctuary might be divided into three groups,—there are those who are opposed to capital punishment,—those who are in favor of it,—and those who have never bothered to think about it very much, but just accept it as a matter of course, without any decided opinion one way or the other.

In the course of this sermon I may express my personal opinion concerning the matter, but I assure you that will be a very incidental part of the sermon. What I happen to believe about it is relatively unimportant, but the chief desire back of this sermon and the burden of this message will be to bring to our minds the essential, constructive, Christian principles, which we ought to have in mind as we face this important question.

May I begin by calling to our attention some important facts with which many of you are already quite familiar.

Not many generations ago capital punishment in very horrible forms was universally practiced,—today its use is greatly restricted. At least sixteen foreign countries have abolished it, twelve States in the United States,—it is optional with the Court and the Jury in twenty-four States,—it is the compulsory penalty for certain crimes in twelve of our States. Its use has been greatly restricted during the past two centuries. For example, in 1780 two hundred and forty crimes were punishable by death in England, including unlawful fishing and hunting, and destroying growing trees. In the Colonial days here in America from ten to seventeen crimes were punishable by death, including the rebellion of a son against his father if the son were 16 years of age or more,—witchcraft, blasphemy, etc.

It has not only been increasingly restricted in its use but the methods have been increasingly refined. It has not been so long since capital punishment was practiced in the most terrible way imaginable. Even in Colonial days in this country there was the burning alive at the stake, vast public hangings. However, most of those practices have been done away now. We have private executions, electrocutions, gas and more modified and refined methods of carrying out this practice.

When I began the study of this important question I brought to that study certain definite assumptions. I had an opinion about it and I had certain definite assumptions. One of those assumptions was that what-



ever else we might say about capital punishment, at least it served to deter people from crime. In all honesty, I must say to you this morning that the facts which I was able to discover did not substantiate that assumption. I looked at the records over a period of ten years in states which have abolished capital punishment and which have not, and I picked out several comparable states in the same section of our country and I found, for example, that in Maine, without capital punishment, the homicide rate is 1.8 per 100,000 population, while in Connecticut with capital punishment, the homicide rate is 3.2 per 100,000. Then I examined figures over a ten-year period in other comparable states and noticed that in Kansas, for example, without capital punishment, the homicide rate is 6.2, while in Missouri, with capital punishment, the homicide rate is 9.1. I discovered that over a ten-year period that as a matter of fact, the states which have capital punishment are the states which have the highest rate of murder. I was turned, therefore, from my first assumption that capital punishment deters people from crime, not as a matter of opinion, but as a matter of fact. There seems to be no justification for the assumption that capital punishment does deter people from crime.

My next assumption was that at least capital punishment serves to reduce lynchings, and I examined as carefully as I could the facts with reference to that point and I looked at the history of states which do and do not have capital punishment and tried to pick out comparable states. Two of the states in the middle west that join each other, very comparable in population, over a period of 28 years, the state which does not have capital punishment had one lynching, and the state which does have capital punishment had 65 lynchings. I studied the history of five states before and after they abolished capital punishment and I discovered that the states had a higher rate of lynchings before they abolished capital punishment than they had after they abolished it. Actually, my friends, and many of you know this to be true general knowledge, the states in the United States which most rigorously

enforce capital punishment are the states which have the most lynchings.

Capital punishment does not permit any corrections in error of judgment. I do not care to dwell on this, because in my opinion, our Courts are becoming increasingly efficient. I wholeheartedly believe in our Courts. I know that they are just as intelligent and just as careful as they can possibly be, but yet the fact is, and the people of the Courts would be the first to say this, that the judgment of the Court is not infallible. You will recall to your minds certain definite and notable illustrations of this,—perhaps some of you may remember the famous Leo Franks case of Georgia, or the Rosenthal case of New York, or the Dr. Hamilton case of Kentucky, in which people were convicted and executed for crimes for which they were later found to be innocent. As a matter of fact the execution of innocent people led to the abolition of capital punishment in several states.

So much for these facts which I think we ought to have before us.

I am concerned this morning with the basic foundations and principles involved. Why, my friends,—why should we have any punishment practices? I think we all, in our saner moments, and certainly as Christians, are forced to dismiss as unworthy the thought of retaliation, of getting even, "An eye for an eye, a tooth for a tooth." If someone hits me, I will hit him,—if someone says something mean about me, I will say something meaner about him. The animal in us moves on that level, and no one of us is entirely free from it, and yet in our saner moments we know that it is not the best way and certainly we know it is not the Christian way. Not only the teachings of Jesus but the whole trend of His life lead in exactly the opposite direction. Paul said that according to the teachings of Jesus we should overcome evil with good. No matter what my natural inclinations may be, no matter what I may say whenever I am aroused, in my saner moments I know, just as every person here this morning knows, that retaliation is not worthy of me, as a Christian gentleman. It is not the basis on

which I, as an individual, or we, as a group, can project our living.

It seems to me that there are three legitimate functions of punishment practice; the first is to serve as a warning and as a deterrent from crime. The facts that Dr. Raymond Bye of the University of Pennsylvania assembled in his study, "Capital Punishment in the United States," led him to the significant conclusion, and I wish that I might emphasize it sufficiently this morning, the deterrent effect of law depends not upon the particular kind of penalty, but upon the efficiency with which the law is executed. In the judgment of many informed people with whom I have talked, the reason our crime rate is seven times, and our murder rate twenty times that of England is because of the efficiency with which their criminals are brought to trial and sentenced. The possibility of not being caught, and the greater possibility of long-drawn-out legal maneuvers are two of the most conducive factors to crime in the United States at the present time. And there is one additional factor which in all fairness ought to be mentioned in this connection. Those who have had most experience in the Courts will be the first to recognize that the existence of capital punishment hinders the speedy trial and execution of the law. Ask any prosecutor whether or not it is easy to get a verdict of guilt if the penalty is death! And we do not have just to guess at this. In the States in the United States, and I am giving you definite figures now,—in the States which have abolished capital punishment, of those who are indicted for murder, 30% are convicted; in the States which have not abolished capital punishment, of those who are indicted for murder, only 20% of them are convicted.

The second function of punishment practices is to remove from society those who constitute a menace and danger to its welfare and orderly life,—all countries, and all States in the United States recognize the necessity of this. There are individuals who for various reasons have become dangerous to society. They have become anti-social, warped and exceedingly dangerous, and it is wise for society to provide ways to re-

move such individuals from the normal areas of life,—to do something with them which will eliminate their dangers to society. One way of doing this is through capital punishment. But as demonstrated in many foreign countries and in several States, there are other effective and satisfactory ways. Capital punishment cannot be justified on this ground since there are other effective ways of accomplishing the purpose. These other ways are far more effective today than they have ever been before.

I say to you that the most fundamental, and in our saner moments, we know that the most fundamental purpose of all punishment practices is reformation. By placing the individual in a controlled situation where he will not have the possibility of practicing his habit of crime. By carefully examining his life to determine if possible the causes, the mental, the physical, and the environmental causes, of his crime. (If I had time this morning, I would like to pause and pay tribute to the start which has been made in Texas in this direction.) By trying through constructive work and intelligent guidance to re-organize the person's life, his attitude, actions and desires. You know that it can be done. If you question the possibility of it on a vast scale, then read, if you please, the writings of men like Mr. Z. R. Brockway, and Mr. Thomas Osbourne of New York, and Dr. M. Liepmann, Professor of Law at the University of Kiel, or Warden Towne of Wisconsin. Read their writings and be amazed at the number of persons who have been reformed and have come out as constructive, wholesome, desirable citizens in our society.

But I come to the approach which I think we have to make as Christians this morning. In approaching this problem we must do so on the background of our Christian idealism.

Many of you probably have been surprised that I have said nothing at all about the Old Testament commandment, "Thou shalt not kill," but I do not think it would be difficult to prove to any thoughtful group that Jesus never intended to

do away with those Old Testament commandments,—He did intend to give them a deeper meaning and a broader scope.

But entirely aside from any legalistic commandment, we can look at the recognized ideals and teachings of Christ which have a definite bearing on this problem.

Take for example, Christ's constant emphasis concerning the infinite worth of human personality. Dr. Harry Emerson Fosdick rightly says that this is the most unique contribution of Jesus Christ to the religious life of the world. Christ taught more clearly than He taught most anything else that man is a child of God, created in the image of God, sharing the life of God,—human beings—weak, imperfect, sinful human beings are persons for whom Jesus Christ thought it worthwhile to die. Think that through, my friends, and then decide for yourselves what that means with reference to capital punishment.

Christ built His whole program on the possibility of transforming and reforming human life. He called about Him a group of ordinary, most ordinary and most unpromising men. He did that because He believed in the possibility of transformation and reformation in human life. He mingled with sinful people and wicked people and He welcomed them because He believed in the possibility of their transformation. Jesus believed that it is possible for a person to live a good life even for those in the most abject, sinful condition. Apart from this belief, there is not the slightest hope in the Christian message. Our religious life all falls in with the belief in the possibility of transforming and reforming human life—weak, sinful, wicked human life, and unless we, as Christians, have that clearly in our minds as we make our decisions concerning the practical details of life, then, by so much, we are failing to be truly Christians.

As I observed a moment ago, Christ thrusts aside as unworthy the thought of retribution.

"You have heard,

"An eye for an eye, a tooth for a tooth, but I say unto you. . . ."

I know perfectly well that when I

allow the animal to dominate my life, when I project myself on the basis of getting even—doing to somebody else something as bad as they have done to me—when I project my life on that level, no matter what I may say about it, no matter what my inclinations may be, down in my heart I know, just as every Christian knows, that I am not being Christlike. "An eye for an eye and a tooth for a tooth" will not do.

But His example and His constant teachings concerning constructive measures in the building of life, it seems to me, provide us with our most constructive clue as we approach this mighty problem of crime in our own country.

Here me, my friends, for just a moment now. I believe I am saying something that is just as fundamental as could be said, in the life of our nation, or from the viewpoint of a Christian. We reap what we sow. The problem of crime in the United States is not going to be solved by the imposition of any kind of severe penalty—the problem of crime in the United States is going to be solved only when we stop producing criminals, by eliminating the conditions which produce them. No normal person is born a criminal, and if he is abnormal he needs treatment, not punishment. Normal men and women learn to be criminals according to the same law by which they would learn to be constructive, wholesome men and women, if we cared enough to surround them with the influences and constructive forces which would make their lives wholesome and constructive.

The appalling fact, the shameful fact is that while we, in the United States, are paying more than thirteen billion dollars annually for crime, the churches and the public schools are playing at the job of developing moral and religious character.

I pray that the time may soon come when we will abandon what seems to me to be the wholly unfounded notion that we can curb crime if we maintain sufficiently severe penalties, and supplant that with the constructive conviction that we can eliminate crime only as we

eliminate the causes which produce criminals.

Men always have, they always will, reap what they sow.

We all know there have been cases of innocent persons being executed. Suppose your son or daughter or other loved one might be caught in this net and pay such an awful price on account of this law now on our statute books? I hope it shall never come home to any of you.

When a human life is taken by such a mistake that is a grave mistake that can never be corrected.

I am serious in this matter, and am speaking for some poor, unfortunate, innocent person who might get caught, and who would lack finances or friends to plead his case. I am pleading for the life of the unknown man—perhaps a dear relative of someone who now listens. Such is in the realm of possibility under our existing law. I am also pleading for the obedience of God's law—"Thou shalt not kill."

Last night on a radio news cast the Secretary of War made a strong statement relative to the absolute necessity of strengthening our Spiritual defenses. It appears to me that this is a good opportunity for the Great State of Texas to again lead the way in Spiritual Re-armament by throwing off this barbarous relic of the dark ages, and at least try God's Rules for a time.

Respectfully submitted,

W. Lee O'Daniel,  
Governor of Texas.

#### SENATE RETIRES

At the Conclusion of the Address the Senate at 11:00 o'clock a. m. retired to its Chamber.

(Mr. Lowry in the Chair.)

(Speaker in the Chair.)

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 432, to the Committee on Judicial Districts.

S. B. No. 417, to the Committee on Criminal Jurisprudence.

S. B. No. 369, to the Committee on Counties.

S. B. No. 215, to the Committee on State Affairs.

#### BILL ORDERED PRINTED ON MINORITY REPORT

Mr. Kelly moved that House Bill No. 443, reported adversely with a minority favorable report, be printed.

(Mr. Blankenship in the Chair.)

Mr. Coker moved to table the motion by Mr. Kelly.

The motion to table was lost.

Question then recurring on the motion to print House Bill No. 443 on minority report, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—70

Allison	Huddleston
Bailey	Kelly
Baker	Kennedy
Bridgers	Kersey
Brown	King
Bullock	Klingeman
Burkett	Knight
Carrington	Lehman
Cato	Leyendecker
Cleveland	Lock
Craig	Love
Crossley	Lucas
Davis	Lyle
Deen	McCann
Dickson of Bexar	McGlasson
Dickson of Nolan	McLellan
Dove	McMurry
Eubank	Manford
Evans	Manning
Favors	Markle
Ferguson	Matthews
Files	Moore
Fitzgerald	Pace
Fuchs	Parker
Gandy	Pevehouse
Goodman	Rampy
Halsey	Reed of Bowie
Hanna	Ridgeway
Harris of Hill	Rhodes
Helpinstill	Roark
Hobbs	Roberts
Hoyo	Senterfitt

Smith of Bastrop    Turner  
Spacek                White  
Stubbs                Whitesides

## Nays—56

Alsup	Jones
Avant	Kinard
Bell	Lansberry
Benton	Lowry
Brawner	McAlister
Bundy	McDonald
Burnaman	McNamara
Carlton	Mills
Celaya	Montgomery
Clark	Morgan
Coker	Morris
Connelly	Nicholson
Crosthwait	Phillips
Daniel	Price
Duckett	Reed of Dallas
Ellis	Sallas
Garland	Sharpe
Hardeman	Shell
Harris of Dallas	Skiles
Hartzog	Smith of Atascosa
Heflin	Spangler
Henderson	Stanford
Hileman	Stinson
Howington	Thornton
Hughes	Walters
Humphrey	Wattner
Hutchinson	Weatherford
Isaacks	Winfree

## Absent

Allen	Howard
Bean	Huffman
Bruhl	Morse
Colson, Mrs.	Murray
Donald	Vale
Dwyer	

## Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

Mr. White moved to reconsider the vote by which the bill was printed on minority report, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair.)

**BILL ORDERED NOT PRINTED**

On motion of Mr. Matthews, Senate Bill No. 432 was ordered not printed.

SENATE BILL NO. 432 ON  
SECOND READING

Mr. Matthews moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that Senate Bill No. 432 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—128

Allen	Halsey
Allison	Hanna
Alsup	Hardeman
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Hileman
Blankenship	Hobbs
Brawner	Howington
Bridgers	Huddleston
Brown	Huffman
Bruhl	Hughes
Bullock	Humphrey
Bundy	Hutchinson
Burkett	Isaacks
Burnaman	Jones
Carlton	Kennedy
Carrington	Kersey
Cato	Kinard
Celaya	King
Clark	Klingeman
Cleveland	Knight
Coker	Lansberry
Colson, Mrs.	Lehman
Connelly	Leyendecker
Craig	Lock
Crossley	Love
Crosthwait	Lowry
Daniel	Lucas
Davis	Lyle
Deen	McAlister
Dickson of Bexar	McCann
Dickson of Nolan	McDonald
Dove	McGlasson
Duckett	McLellan
Ellis	McMurry
Eubank	McNamara
Evans	Manford
Favors	Manning
Ferguson	Markle
Files	Matthews
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Goodman	Morgan

Morris	Senterfitt
Morse	Sharpe
Murray	Shell
Nicholson	Skiles
Pace	Smith of Bastrop
Parker	Smith of Atascosa
Pevehouse	Spacek
Phillips	Spangler
Price	Stanford
Rampy	Thornton
Reed of Bowie	Turner
Reed of Dallas	Walters
Ridgeway	Wattner
Rhodes	Weatherford
Roark	White
Roberts	Whitesides
Sallas	Winfree

**Absent**

Donald	Hoyo
Dwyer	Kelly
Garland	Stinson
Henderson	Stubbs
Howard	Vale

**Absent—Excused**

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 432, A bill to be entitled "An Act to amend Section 8 of House Bill No. 266, Chapter 4, Acts 1935, 44th Legislature, Regular Session, page 11, as amended by Section 1 of House Bill No. 82, Chapter 34, Acts of 1937, 45th Legislature, Second Called Session, page 1915, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**SENATE BILL NO. 432 ON  
THIRD READING**

The Speaker then laid Senate Bill No. 432 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—128

Allen	Alsup
Allison	Avant

Bailey	Kersey
Baker	Kinard
Bean	King
Bell	Klingeman
Benton	<b>Knight</b>
Blankenship	Lansberry
Brawner	Lehman
Bridgers	Leyendecker
Brown	Lock
Bruhl	Love
Bullock	Lowry
Bundy	Lucas
Burkett	Lyle
Burnaman	McAlister
Carlton	McCann
Carrington	McDonald
Cato	McGlasson
Celaya	McLellan
Clark	McMurry
Cleveland	McNamara
Coker	Manford
Colson, Mrs.	Manning
Connelly	Markle
Craig	Matthews
Crossley	Mills
Crosthwait	Montgomery
Daniel	Moore
Davis	Morgan
Deen	Morris
Dickson of Bexar	Morse
Dickson of Nolan	Murray
Dove	Nicholson
Duckett	Pace
Ellis	Parker
Eubank	Pevehouse
Evans	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Gandy	Rhodes
Goodman	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Harris of Dallas	Sharpe
Harris of Hill	Shell
Hartzog	Skiles
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Hileman	Spacek
Hobbs	Spangler
Howington	Stanford
Huddleston	Thornton
Huffman	Turner
Hughes	Walters
Humphrey	Wattner
Hutchinson	Weatherford
Isaacks	White
Jones	Whitesides
Kennedy	Winfree

## Absent

Donald	Hoyo
Dwyer	Kelly
Garland	Stinson
Henderson	Stubbs
Howard	Vale

## Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

HOUSE BILL NO. 25 ON  
SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 25, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature as heretofore amended, by adding Sections 1a and 1b hereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corporations transporting under certain circumstances and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following committee amendment to the bill:

Amend House Bill No. 25 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Chapter 277, Acts of the Regular Session of the Forty-second Legislature of the State of Texas, as heretofore amended, be and the same is hereby, amended by

adding two new sections at the end of Section 1 thereof, which said new sections shall be known as Section 1a and Section 1b and shall read as follows:

Sec. 1a. (1) Provided, however, that the term "Motor Carrier" and the term "Contract Carrier" as defined in the preceding section shall not be held to include:

(a) Any person having a regular, separate, fixed and established place of business, other than a transportation business, where goods, wares and merchandise are kept in stock and are primarily and regularly bought from the public or sold to the public or manufactured or processed by such person in the ordinary course of the mercantile, manufacturing or processing business, and who, merely incidental to the operation of such business, transports over the highways of this State such goods of which such person is the bona fide owner by means of a motor vehicle of which such person is the bona fide owner; nor

(b) Any person transporting farm implements, live stock, livestock feedstuffs, dairy products, horticultural products, floral products, agricultural products, or wool and mohair of which such person is the bona fide owner on a vehicle of which he is the bona fide owner to and from the area of production and to and from the market or place of storage thereof; provided, however, if such person (other than a transportation company) has in his possession under a bona fide consignment contract live stock, wool, mohair, milk and cream, fresh fruits and vegetables, as an incident to a separate, fixed and established business conducted by him the said possession shall be deemed ownership under this Act.

(c) Where merely incidental to a regular, separate, fixed and established business, other than a transportation business, the transportation of employees, petroleum products and incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products from the refinery or place of production or place of storage to the place of storage or place of sale and distribution to the ultimate consumer, in a motor vehicle owned and

used exclusively by the marketer or refiner, or owned in whole or in part and used exclusively by the bona fide consignee or agent of such single marketer or refiner; as well as where merely incidental to a regular, separate, fixed and established business, other than a transportation business, the transportation of petroleum, employees, material, supplies and equipment for use in the departments of the petroleum business by the bona fide owner thereof in a vehicle of which he is the bona fide owner; bona fide consignee or agent as used herein being hereby defined and construed, for the purpose of this Act, to mean a person under contract with a single principal to distribute petroleum products in a limited territory and only for such single principal; nor

(d) Any utility company using its own equipment transporting its own property over the highways.

(2) The term "person" as used in this Act shall include persons, firms, corporations, companies, co-partnerships, or associations or joint stock associations (and their receivers or trustees appointed by any court whatsoever.)

Sec. 1b. Any person who transports goods, wares or merchandise under the circumstances set forth in the foregoing Section 1a so as to be excluded by the terms of said Section from the definition of "motor carrier" or "contract carrier" shall be deemed to be a private motor vehicle owner; and such use of the highways by such private motor vehicle owners as herein defined shall be construed as use of the highways for the general public and not the use of such highways for the carrying on the business of transporting property for compensation or hire.

Sec. 2. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it is the purpose hereof to relieve private motor vehicle owners, as herein defined, from the provisions and operations of said Motor Carrier Law as incorporated in said Chapter 277, Acts of the Regular Ses-

sion of the Forty-second Legislature, and amendments thereto.

Sec. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Sec. 4. The fact that under the decision of the Supreme Court of Texas, in the case of Smit et al. vs. New Way Lumber Company, 128 Texas 173, 96 S. W. 2nd 282, merchants transporting their own property in their own motor vehicles have been declared to be contract carriers operating in violation of the law, and it being the intention of the Legislature to relieve private motor vehicle owners, as that term is defined in this Act, from the burdens of said decision, and the fact it is impractical for such merchants to comply with the present law with reference to procuring a contract carrier's permit, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House and the Constitutional Rule requiring that bills go into force and take effect ninety days after adjournment of the Session, be suspended and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Rhodes moved that House Bill No. 25 be recommitted to the Committee on Highways and Motor Traffic.

Mr. Bell moved to table the motion to recommit.

The motion to table prevailed.

Mr. Rhodes offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 25 by adding between lines 12 and 13 on page 3 of the printed bill a new paragraph to read as follows:

"(3) Nothing in this Act shall ever be construed as exempting any person from the provisions of Chapter 277, Acts 42nd Legislature, Regular Session, as amended, who operates commercial motor vehicles over the highways of this State in the transportation of property for com-



pensation or hire; provided, however, the term 'transportation of property for compensation or hire' as used in this section shall not include transactions where the cost of delivering goods, wares, or merchandise is included in the sale price of such goods, wares, or merchandise."

(Mr. Kersey in the Chair.)

On motion of Mr. Bell, the amendment by Mr. Rhodes was tabled.

(Speaker in the Chair.)

Mr. Lock offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 25, page 2, line 23, by adding after the word "vegetable" the following:

"or timber in its natural state under contract."

LOCK,  
MRS. COLSON,  
ALSUP,  
COKER,  
KELLY,  
McCANN,  
HILEMAN,  
McDONALD,  
FERGUSON,  
HELPIINSTILL,  
GARLAND,  
MANNING,  
MATTHEWS,  
BURNAMAN,  
SALLAS,  
DOVE.

The amendment was adopted.

Mr. Lock offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 25, Section 1, page 2, subsection (b), line 16, by adding after the words "agricultural products" the following:

"timber in its natural state."

LOCK,  
MRS. COLSON,  
ALSUP,  
COKER,  
KELLY,  
McCANN,  
HILEMAN,  
McDONALD,  
FERGUSON,  
HELPIINSTILL,

GARLAND,  
MANNING,  
MATTHEWS,  
BURNAMAN,  
SALLAS,  
DOVE.

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 25 was then passed to engrossment.

#### HOUSE BILL NO. 25 ON THIRD READING

Mr. Bell moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—124

Allen	Deen
Allison	Dickson of Bexar
Alsup	Dickson of Nolan
Avant	Dove
Bailey	Duckett
Baker	Dwyer
Bean	Eubank
Bell	Evans
Benton	Favors
Blankenship	Ferguson
Brawner	Files
Bridgers	Gandy
Bullock	Garland
Bundy	Goodman
Burkett	Halsey
Burnaman	Hanna
Carlton	Hardeman
Carrington	Harris of Dallas
Cato	Harris of Hill
Celaya	Hartzog
Clark	Heflin
Cleveland	Helpinstill
Coker	Henderson
Colson, Mrs.	Hileman
Connelly	Hobbs
Craig	Howington
Crossley	Huddleston
Crosthwait	Huffman
Daniel	Hughes
Davis	Humphrey

Hutchinson	Morris
Isaacks	Morse
Jones	Murray
Kelly	Nicholson
Kennedy	Pace
Kersey	Pevehouse
Kinard	Phillips
King	Price
Klingeman	Rampy
Knight	Reed of Bowie
Lansberry	Reed of Dallas
Lehman	Ridgeway
Leyendecker	Roark
Lock	Roberts
Love	Sallas
Lowry	Senterfitt
Lucas	Sharpe
McAlister	Shell
McCann	Skiles
McDonald	Smith of Bastrop
McGlasson	Smith of Atascosa
McLellan	Spacek
McMurry	Spangler
McNamara	Stanford
Manford	Stinson
Manning	Thornton
Markle	Turner
Matthews	Walters
Mills	Wattner
Montgomery	Weatherford
Moore	Whitesides
Morgan	Winfree

## Nays—2

Fitzgerald	Rhodes
------------	--------

## Absent

Brown	Hoyo
Bruhl	Lyle
Donald	Parker
Ellis	Stubbs
Fuchs	Vale
Howard	White

## Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

The Speaker then laid House Bill No. 25 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—122

Allen	Humphrey
Allison	Hutchinson
Alsup	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bell	Kersey
Benton	Kinard
Blankenship	King
Brawner	Klingeman
Bridgers	Knight
Brown	Lansberry
Bruhl	Leyendecker
Bullock	Lock
Bundy	Love
Burkett	Lowry
Burnaman	Lucas
Carlton	Lyle
Carrington	McAlister
Cato	McCann
Celaya	McDonald
Clark	McGlasson
Cleveland	McLellan
Coker	McMurry
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Manning
Crossley	Markle
Crosthwait	Matthews
Daniel	Montgomery
Davis	Moore
Deen	Morgan
Dickson of Bexar	Morris
Dickson of Nolan	Morse
Dove	Murray
Duckett	Nicholson
Eubank	Pace
Evans	Pevehouse
Favors	Phillips
Ferguson	Price
Files	Rampy
Fuchs	Reed of Bowie
Gandy	Reed of Dallas
Garland	Ridgeway
Goodman	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Harris of Dallas	Sharpe
Hartzog	Shell
Helpinstill	Skiles
Henderson	Smith of Bastrop
Hileman	Smith of Atascosa
Hobbs	Spacek
Howington	Spangler
Hoyo	Stanford
Huffman	Stinson
Hughes	Thornton

Turner  
Walters  
Wattner  
Weatherford

White  
Whitesides  
Winfree

## Nays—4

Fitzgerald  
Mills

Rhodes  
Stubbs

## Absent

Bean  
Donald  
Dwyer  
Ellis  
Harris of Hill  
Heflin

Howard  
Huddleston  
Lehman  
Parker  
Vale

## Absent—Excused

Anderson  
Boone  
Bray  
Chambers  
Gilmer  
Hargis

Little  
Martin  
Simpson  
Taylor  
Voigt

Mr. Bell moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Reed of Bowie moved that the House recess until 2:00 o'clock p. m. today.

Mr. Celaya moved that the House recess until 2:30 o'clock p. m. today.

Question first recurring on the motion by Mr. Reed of Bowie, it was lost.

Question then recurring on the motion by Mr. Celaya, it was lost.

## HOUSE BILL NO. 804 WITH SENATE AMENDMENTS

Mr. Isaacks called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 804, A bill to be entitled "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts."

On motion of Mr. Isaacks the House concurred in the Senate Amendments by the following vote:

## Yeas—120

Allen	Humphrey
Allison	Hutchinson
Alsop	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bell	Kersey
Benton	Kinard
Brawner	King
Brown	Knight
Bruhl	Lansberry
Bullock	Lehman
Bundy	Leyendecker
Burkett	Lock
Burnaman	Love
Carlton	Lowry
Carrington	Lucas
Cato	McDonald
Celaya	McGlasson
Clark	McLellan
Cleveland	McMurry
Coker	Manford
Connelly	Manning
Craig	Markle
Crossley	Matthews
Crothwait	Mills
Daniel	Montgomery
Davis	Moore
Deen	Morris
Dickson of Nolan	Morse
Dove	Murray
Duckett	Nicholson
Dwyer	Pace
Ellis	Parker
Eubank	Pevehouse
Evans	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Gandy	Rhodes
Goodman	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Harris of Dallas	Sharpe
Harris of Hill	Smith of Bastrop
Heflin	Smith of Atascosa
Helpinstill	Spacek
Henderson	Spangler
Hileman	Stanford
Hobbs	Stinson
Howington	Stubbs
Huddleston	Thornton
Huffman	Turner
Hughes	Vale

Walters	White
Wattner	Whitesides
Weatherford	Winfree

## Absent

Bean	Hoyo
Blankenship	Klingeman
Bridgers	Lyle
Colson, Mrs.	McAlister
Dickson of Bexar	McCann
Donald	McNamara
Garland	Morgan
Hartzog	Shell
Howard	Skiles

## Absent—Excused

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

HOUSE BILL NO. 247 WITH SEN-  
ATE AMENDMENTS

Mrs. Colson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 247, A bill to be entitled "An Act to amend Article 608 of the Revised Civil Statutes of 1925, so as to fix the number and extent of county parks, and declaring an emergency."

Mrs. Colson moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 288 WITH SEN-  
ATE AMENDMENTS

Mr. Bridgers called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 288, A bill to be entitled "An Act to authorize the County Commissioners of any county having a County Court at Law to appoint an official interpreter for the County Court at Law in such county; to provide for the salary of such inter-

preter and to prescribe his duties and providing for the oath of such interpreter."

On motion of Mr. Bridgers, the House concurred in the Senate amendments by the following vote:

Yeas—124

Allen	Hobbs
Allison	Howington
Alsup	Huddleston
Avant	Huffman
Bailey	Hughes
Baker	Humphrey
Bean	Hutchinson
Bell	Isaacks
Benton	Jones
Blankenship	Kelly
Brawner	Kennedy
Bridgers	Kersey
Brown	Kinard
Bruhl	King
Bullock	Klingeman
Bundy	Knight
Burkett	Lansberry
Burnaman	Lehman
Carlton	Lock
Carrington	Love
Cato	Lowry
Celaya	Lucas
Clark	Lyle
Cleveland	McAlister
Coker	McDonald
Colson, Mrs.	McGlasson
Connelly	McLellan
Crossley	McMurry
Crothwait	Manford
Daniel	Manning
Davis	Markle
Deen	Matthews
Dickson of Nolan	Mills
Duckett	Montgomery
Ellis	Moore
Eubank	Morgan
Evans	Morris
Favors	Morse
Ferguson	Murray
Files	Pace
Fitzgerald	Parker
Fuchs	Pevehouse
Gandy	Phillips
Garland	Price
Goodman	Rampy
Hanna	Reed of Bowie
Hardeman	Reed of Dallas
Harris of Dallas	Ridgeway
Hartzog	Rhodes
Heflin	Roark
Helpinstill	Roberts
Henderson	Sallas
Hileman	Senterfitt

Sharpe	Stubbs
Shell	Thornton
Skiles	Turner
Smith of Bastrop	Walters
Smith of Atascosa	Wattner
Spacek	Weatherford
Spangler	White
Stanford	Whitesides
Stinson	Winfree

**Absent**

Craig	Howard
Dickson of Bexar	Hoyo
Donald	Leyendecker
Dove	McCann
Dwyer	McNamara
Halsey	Nicholson
Harris of Hill	Vale

**Absent—Excused**

Anderson	Little
Boone	Martin
Bray	Simpson
Chambers	Taylor
Gilmer	Voigt
Hargis	

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 755, "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that otherwise the fishing laws of H. B. No. 1114, Acts of the 46th Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

H. B. No. 826, "An Act making it lawful to take or attempt to take any fish from the waters of the Pedernalis River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict; and declaring an emergency."

H. B. No. 794, "An Act making it unlawful for a period of five years to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River

County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

H. C. R. No. 97, Providing for Joint Session of the Legislature.

H. B. No. 802, "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 784, "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2000) inhabitants, heretofore incorporated and/or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; and validating all governmental proceedings performed by the governing bodies of such cities and towns since their incorporation or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency."

H. B. No. 816, "An Act to create road district number seven, of Lavaca County, Texas; defining its boundaries; conferring upon said road district all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, etc.; and declaring an emergency."

H. B. No. 409, "An Act to amend Article 1645, Title 34 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, as amended by Chapter 4, Special Laws passed at

the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of Thirty-five Thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last approved tax rolls; etc.; and declaring an emergency."

H. B. No. 717, "An Act amending Ch. 56, p. 806, Special Laws of the 46th Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said County; providing a closed season during the months of March and April; prohibiting the sale of any fresh water fish in said County; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from any County named in this Act; repealing all General and Special Laws in so far as they conflict with this Act; and declaring an emergency."

H. B. No. 808, "An Act making it lawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

S. B. No. 191, "An Act authorizing Trustees of Independent School Districts to order an election to vote refunding bonds for the purpose of buying in bonds which have been previously issued without option of prior redemption and prescribing the method of holding such elections, etc.; and declaring an emergency."

S. B. No. 289, "An Act to amend Article 4477 of the R. C. S. of Texas, Rule 82, Sanitary Code, regulating the shipment of dead bodies not by

express, etc.; and declaring an emergency."

S. B. No. 422, "An Act providing for the taking of channel or Opelousas catfish or any perch at any time by ordinary hook and line in the fresh waters of Bosque County, Texas, etc.; and declaring an emergency."

S. B. No. 213, "An Act providing for compensation to be paid County Commissioners for their Services as Ex-officio Road Commissioner; etc.; and declaring an emergency."

S. B. No. 418, "An Act regulating the taking of minnows in Bosque County; providing a penalty for violation of this Act, etc.; and declaring an emergency."

S. B. No. 45, "An Act authorizing Counties having an assessed valuation of not less than twenty million dollars and a population of not more than three (3) persons per square mile to vote, levy, assess and collect a County-wide school maintenance tax, etc.; and declaring an emergency."

S. B. No. 89, "An Act amending S. B. No. 161, of the 46th Legislature, Acts, 1939, Special Laws, page 723, so as to exempt certain independent school districts, etc., from the provisions of Article 2763, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 179, "An Act creating a Special Road Law for Coke County Texas, etc.; and declaring an emergency."

S. B. No. 432, "An Act to amend Section 8 of House Bill No. 266, Chapter 4, Acts 1935, 44th Legislature, Regular Session, page 11, as amended by Section 1 of House Bill No. 82, Chapter 34, Acts of 1937, 45th Legislature, Second Called Session, page 1915, etc.; and declaring an emergency."

S. C. R. No. 39, In memory of Honorable George E. Christian.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Smith of Atascosa:

H. B. No. 932, A bill to be entitled "An Act providing for the closed season on wild deer, wild turkey, quail and javelina in Live Oak County, Texas, for a period of three (3) years; providing, however, none of the provisions of this Act shall apply to that part of Live Oak County known and defined as the J. Frank Dobie Game Preserve; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Humphrey (by request):

H. B. No. 933, A bill to be entitled "An Act to prohibit the use in Fort Phantom Hill Lake of Jones and Taylor Counties of certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh water fish during the months of February, March or April to prohibit the taking of any catfish during the months of March, April, May and June; to regulate the taking of minnows; providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

#### RECESS

Mr. Celaya moved that the House recess until 2:30 o'clock p. m. today. The motion prevailed and the House accordingly, at 12:25 o'clock p. m., took recess until 2:30 o'clock p. m. today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

Mr. Helpinstill was granted leave of absence for this afternoon on account of important business, on motion of Mr. Lock.

Mr. Donald was granted leave of absence for this afternoon on account of important business, on motion of Mr. Hobbs.

Mr. Daniel, temporarily for this afternoon, on motion of Mr. Isaacks.

#### APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 247

The Speaker announced the appointment of the following Conference Committee on House Bill No. 247:

Mrs. Colson, Mr. Hardeman, Mr. Bean, Mr. Chambers and Mr. Heflin.

#### HOUSE BILL NO. 359 WITH SENATE AMENDMENTS

Mr. Roark called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, 45th Legislature, page 1296, Chapter 482, Section 1; and declaring an emergency."

On motion of Mr. Roark the House concurred in the Senate Amendments by the following vote:

Yeas—113

Allen	Dickson of Nolan
Allison	Dove
Alsup	Duckett
Avant	Ellis
Bailey	Eubank
Bean	Evans
Benton	Ferguson
Brawner	Files
Bridgers	Fitzgerald
Brown	Gandy
Bullock	Garland
Bundy	Goodman
Burkett	Halsey
Burnaman	Hardeman
Carlton	Harris of Hill
Carrington	Hartzog
Cato	Heflin
Celaya	Henderson
Clark	Hileman
Cleveland	Howington
Coker	Hoyo
Colson, Mrs.	Huddleston
Connelly	Huffman
Craig	Hughes
Crosthwait	Humphrey
Daniel	Hutchinson
Davis	Jones
Deen	Kelly
Dickson of Bexar	Kennedy

Kersey	Parker
Kinard	Pevehouse
King	Price
Knight	Rampy
Lansberry	Reed of Bowie
Lehman	Reed of Dallas
Leyendecker	Ridgeway
Lock	Roark
Love	Roberts
Lucas	Sallas
Lyle	Senterfitt
McAlister	Sharpe
McCann	Shell
McDonald	Skiles
McGlasson	Smith of Bastrop
McLellan	Smith of Atascosa
McMurry	Stanford
Manford	Stinson
Manning	Stubbs
Markle	Thornton
Matthews	Vale
Mills	Walters
Montgomery	Wattner
Morris	Weatherford
Morse	White
Murray	Whitesides
Nicholson	Winfree
Pace	

## Absent

Baker	Isaacks
Bell	Klingeman
Blankenship	Lowry
Bruhl	McNamara
Crossley	Moore
Dwyer	Morgan
Favors	Phillips
Fuchs	Rhodes
Hanna	Spacek
Harris of Dallas	Spangler
Hobbs	Turner
Howard	

## Absent—Excused

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

HOUSE BILL NO. 405 WITH  
SENATE AMENDMENTS

Mr. Bruhl called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Col-

orado River Authority Act,' Chapter 7, Acts of the 4th Called Session, 43rd Legislature, by adding a new section to be known as Section 3-a, to provide that the Directors of the Authority who shall be appointed subsequent to the effective date of this Act shall be residents of counties through which the Colorado River flows or which are adjacent to the Colorado; and declaring an emergency."

On motion of Mr. Bruhl the House concurred in the Senate amendments by the following vote:

Yeas—108

Allen	Hoyo
Allison	Huddleston
Alsup	Huffman
Avant	Hughes
Bailey	Hutchinson
Bell	Isaacks
Benton	Jones
Brawner	Kelly
Bridgers	Kennedy
Brown	Kersey
Bullock	King
Bundy	Knight
Burkett	Lansberry
Burnaman	Lehman
Carlton	Leyendecker
Carrington	Lock
Cato	Love
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Colson, Mrs.	McCann
Connelly	McDonald
Craig	McGlasson
Crosthwait	McLellan
Davis	McMurry
Deen	McNamara
Dickson of Bexar	Manford
Dickson of Nolan	Manning
Dove	Markle
Duckett	Matthews
Ellis	Mills
Eubank	Morgan
Evans	Morris
Ferguson	Morse
Files	Pace
Fitzgerald	Parker
Gandy	Pevehouse
Garland	Phillips
Goodman	Price
Harris of Hill	Rampy
Heflin	Reed of Bowie
Henderson	Reed of Dallas
Hileman	Ridgeway
Howington	Roark



Roberts	Stinson
Sallas	Stubbs
Senterfitt	Thornton
Sharpe	Turner
Shell	Walters
Skiles	Wattner
Smith of Bastrop	Weatherford
Smith of Atascosa	White
Spangler	Whitesides
Stanford	Winfree

## Nays—3

Humphrey	Nicholson
Kinard	

## Absent

Baker	Harris of Dallas
Bean	Hartzog
Blankenship	Hobbs
Bruhl	Howard
Celaya	Klingeman
Crossley	Lowry
Dwyer	Montgomery
Favors	Moore
Fuchs	Murray
Halsey	Rhodes
Hanna	Spacek
Hardeman	Vale

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

HOUSE BILL NO. 434 WITH  
SENATE AMENDMENTS

Mr. McLellan called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 434, A bill to be entitled "An Act relating to marks and brands of live stock in Austin County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899f, requiring that in said county each owner of any live stock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand of such stock recorded at the office of the County Clerk of said County; and providing that such

owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the County Clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

On motion of Mr. McLellan, the House concurred in the Senate amendments by the following vote:

## Yeas—112

Allen	Hardeman
Allison	Harris of Hill
Alsup	Heflin
Avant	Henderson
Bailey	Hileman
Bean	Hobbs
Bell	Howard
Benton	Howington
Bridgers	Hoyo
Brown	Huddleston
Bullock	Huffman
Bundy	Hughes
Burkett	Humphrey
Burnaman	Hutchinson
Carlton	Isaacks
Carrington	Jones
Cato	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	King
Connelly	Klingeman
Craig	Knight
Crosthwait	Lansberry
Davis	Lehman
Deen	Leyendecker
Dickson of Nolan	Lock
Dove	Love
Duckett	Lucas
Ellis	Lyle
Eubank	McAlister
Evans	McCann
Ferguson	McDonald
Fitzgerald	McLellan
Gandy	McMurry
Garland	McNamara
Goodman	Manford
Halsey	Markle

Matthews	Senterfitt
Montgomery	Sharpe
Morgan	Shell
Morris	Skiles
Morse	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Stubbs
Price	Thornton
Rampy	Turner
Reed of Bowie	Walters
Reed of Dallas	Wattner
Ridgeway	Weatherford
Roark	White
Roberts	Whitesides
Sallas	Winfree

## Absent

Baker	Harris of Dallas
Blankenship	Hartzog
Brawner	Lowry
Bruhl	McGlasson
Celaya	Manning
Crossley	Mills
Dickson of Bexar	Moore
Dwyer	Murray
Favors	Rhodes
Files	Spacek
Fuchs	Vale
Hanna	

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

HOUSE CONCURRENT RESOLUTION NO. 67 WITH SENATE AMENDMENTS

Mr. Morris called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 67, To grant J. L. Kelly and wife permission to sue the State.

On motion of Mr. Morris, the House concurred in the Senate amendments by the following vote:

Yeas—111

Allen	Alsup
Allison	Avant

Bailey	Klingeman
Bean	Knight
Bell	Lansberry
Benton	Leyendecker
Bridgers	Lock
Brown	Love
Bullock	Lowry
Bundy	Lucas
Burkett	Lyle
Burnaman	McAlister
Carlton	McCann
Carrington	McDonald
Cato	McGlasson
Clark	McLellan
Cleveland	McMurry
Coker	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Craig	Markle
Crosthwait	Matthews
Dickson of Bexar	Moore
Dickson of Nolan	Morgan
Dove	Morris
Duckett	Morse
Ellis	Nicholson
Eubank	Pace
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Garland	Reed of Bowie
Halsey	Reed of Dallas
Hardeman	Ridgeway
Harris of Hill	Roark
Heflin	Roberts
Henderson	Sallas
Hileman	Senterfitt
Hobbs	Sharpe
Howard	Shell
Howington	Skiles
Hoyo	Smith of Bastrop
Huddleston	Smith of Atascosa
Huffman	Spacek
Hughes	Spangler
Humphrey	Stanford
Hutchinson	Stinson
Isaacks	Thornton
Jones	Turner
Kelly	Wattner
Kennedy	Weatherford
Kersey	White
Kinard	Winfree
King	

## Absent

Baker	Crossley
Blankenship	Davis
Brawner	Deen
Bruhl	Dwyer
Celaya	Evans

Favors	Montgomery
Goodman	Murray
Hanna	Rhodes
Harris of Dallas	Stubbs
Hartzog	Vale
Lehman	Walters
Mills	Whitesides

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

## HOUSE CONCURRENT RESOLUTION NO. 68, WITH SENATE AMENDMENTS

Mr. Morris called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 68, To grant Dr. J. R. Nichols and wife permission to sue the State.

On motion of Mr. Morris, the House concurred in the Senate amendments by the following vote:

## Yeas—112

Allen	Duckett
Allison	Ellis
Alsup	Eubank
Avant	Ferguson
Bailey	Files
Bean	Fitzgerald
Bell	Fuchs
Benton	Gandy
Bridgers	Garland
Brown	Halsey
Bullock	Hardeman
Bundy	Harris of Hill
Burkett	Heflin
Burnaman	Henderson
Carlton	Hileman
Carrington	Hobbs
Cato	Howard
Clark	Howington
Cleveland	Hoyo
Coker	Huddleston
Colson, Mrs.	Huffman
Connelly	Hughes
Craig	Humphrey
Crosthwait	Hutchinson
Dickson of Bexar	Isaacks
Dickson of Nolan	Jones
Dove	Kelly

Kennedy	Nicholson
Kersey	Pace
Kinard	Parker
King	Pevehouse
Klingeman	Phillips
Knight	Price
Lansberry	Rampy
Lehman	Reed of Bowie
Leyendecker	Reed of Dallas
Lock	Ridgeway
Love	Roark
Lowry	Roberts
Lucas	Sallas
Lyle	Senterfitt
McAlister	Sharpe
McCann	Shell
McDonald	Skiles
McGlasson	Smith of Bastrop
McLellan	Smith of Atascosa
McMurry	Spacek
McNamara	Spangler
Manford	Stanford
Manning	Stinson
Markle	Thornton
Matthews	Turner
Moore	Wattner
Morgan	Weatherford
Morris	White
Morse	Winfree

## Absent

Baker	Hanna
Blankenship	Harris of Dallas
Brawner	Hartzog
Bruhl	Mills
Celaya	Montgomery
Crossley	Murray
Davis	Rhodes
Deen	Stubbs
Dwyer	Vale
Evans	Walters
Favors	Whitesides
Goodman	

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

## HOUSE BILL NO. 709 WITH SENATE AMENDMENTS

Mr. Spacek called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 709, A bill to be entitled "An Act providing for all counties having a population of not less than twenty-nine thousand two hundred and forty (29,240) and not more than twenty-nine thousand two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1 of each year the sum of three (\$3.00) dollars; for the summons of persons in said counties for work on the public roads, said summons when issued shall compel the persons to appear the following day after summons for road duty, and repealing all laws in conflict herewith; and declaring an emergency."

On motion of Mr. Spacek, the House concurred in the Senate amendments by the following vote:

## Yeas—114

Allen	Fuchs
Alsup	Gandy
Avant	Garland
Bailey	Halsey
Bell	Hardeman
Benton	Harris of Hill
Brawner	Heflin
Bridgers	Henderson
Brown	Hileman
Bullock	Hobbs
Bundy	Howington
Burkett	Hoyo
Burnaman	Huddleston
Carlton	Hughes
Carrington	Humphrey
Cato	Hutchinson
Clark	Isaacks
Cleveland	Jones
Coker	Kelly
Colson, Mrs.	Kennedy
Connelly	Kersey
Craig	Kinard
Crosthwait	King
Davis	Klingeman
Dickson of Bexar	Knight
Dickson of Nolan	Lansberry
Dove	Lehman
Duckett	Leyendecker
Ellis	Lock
Eubank	Love
Evans	Lowry
Ferguson	Lucas
Fitzgerald	Lyle

McAlister	Reed of Dallas
McCann	Ridgeway
McDonald	Roark
McGlasson	Roberts
McLellan	Sallas
McMurry	Senterfitt
McNamara	Sharpe
Manford	Shell
Manning	Skiles
Markle	Smith of Bastrop
Matthews	Smith of Atascosa
Montgomery	Spacek
Moore	Spangler
Morgan	Stanford
Morris	Stinson
Morse	Stubbs
Nicholson	Thornton
Pace	Turner
Parker	Walters
Pevehouse	Wattner
Phillips	Weatherford
Price	White
Rampy	Whitesides
Reed of Bowie	Winfree

## Absent

Allison	Goodman
Baker	Hanna
Bean	Harris of Dallas
Blankenship	Hartzog
Bruhl	Howard
Celaya	Huffman
Crossley	Mills
Deen	Murray
Dwyer	Rhodes
Favors	Vale
Files	

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

## HOUSE BILL NO. 759 WITH SENATE AMENDMENTS

Mr. Bundy called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more than Seventy Thousand (70,000) and not more than Eighty Thousand (80,000) according to the last pre-

ceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00) Dollars; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

On motion of Mr. Bundy, the House concurred in the Senate amendments by the following vote:

## Yeas—116

Allen	Humphrey
Allison	Hutchinson
Alsup	Isaacks
Avant	Jones
Bailey	Kelly
Bean	Kennedy
Bell	Kersey
Benton	Kinard
Brawner	King
Bridgers	Klingeman
Brown	Knight
Bullock	Lansberry
Bundy	Leyendecker
Burkett	Lock
Burnaman	Love
Carlton	Lowry
Carrington	Lucas
Cato	Lyle
Clark	McAlister
Cleveland	McCann
Coker	McDonald
Colson, Mrs.	McGlasson
Connelly	McLellan
Craig	McMurry
Crosthwait	McNamara
Daniel	Manford
Deen	Manning
Dickson of Nolan	Markle
Dove	Matthews
Duckett	Mills
Ellis	Montgomery
Eubank	Moore
Evans	Morgan
Ferguson	Morris
Files	Morse
Fitzgerald	Nicholson
Fuchs	Pace
Gandy	Parker
Garland	Pevehouse
Halsey	Phillips
Hardeman	Price
Heflin	Rampy
Henderson	Reed of Bowie
Hileman	Reed of Dallas
Hobbs	Ridgeway
Howington	Roark
Hoyo	Roberts
Huddleston	Sallas
Huffman	Senterfitt
Hughes	Sharpe

Skiles	Thornton
Smith of Bastrop	Turner
Smith of Atascosa	Walters
Spacek	Wattner
Spangler	Weatherford
Stanford	White
Stinson	Whitesides
Stubbs	Winfree

Nays—1

Davis

Absent

Baker	Harris of Dallas
Blankenship	Harris of Hill
Bruhl	Hartzog
Celaya	Howard
Crossley	Lehman
Dickson of Bexar	Murray
Dwyer	Rhodes
Favors	Shell
Goodman	Vale
Hanna	

Absent—Excused

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

## HOUSE BILL NO. 372 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 372, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired or improved by its own forces; providing that contractors shall be required to pay the stipulated wage schedule; requiring records to be kept; making certain exceptions; providing a penalty; repealing Chapter 45 of the Acts of the 43rd Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 372 ON THIRD  
READING

Mr. Morris moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 372 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—110

Allen	Hutchinson
Allison	Isaacks
Avant	Jones
Bailey	Kelly
Bean	Kennedy
Bell	Kinard
Benton	Klingeman
Bridgers	Knight
Brown	Lansberry
Bullock	Lehman
Burnaman	Leyendecker
Carlton	Lock
Carrington	Love
Cato	Lucas
Clark	Lyle
Cleveland	McAlister
Coker	McCann
Connelly	McDonald
Craig	McGlasson
Crosthwait	McLellan
Davis	McMurry
Dickson of Bexar	McNamara
Dickson of Nolan	Manford
Dove	Manning
Duckett	Markle
Ellis	Matthews
Eubank	Mills
Favors	Montgomery
Ferguson	Moore
Files	Morgan
Fitzgerald	Morris
Gandy	Morse
Garland	Nicholson
Goodman	Pace
Halsey	Parker
Hardeman	Pevehouse
Harris of Dallas	Phillips
Harris of Hill	Price
Hartzog	Reed of Bowie
Heflin	Ridgeway
Henderson	Rhodes
Hileman	Roark
Howington	Roberts
Hoyo	Senterfitt
Huddleston	Sharpe
Huffman	Shell
Hughes	Skiles
Humphrey	Smith of Bastrop

Smith of Atascosa	Turner
Spacek	Walters
Spangler	Wattner
Stanford	Weatherford
Stinson	White
Stubbs	Whitesides
Thornton	Winfree

## Nays—2

Deen	Rampy
------	-------

## Absent

Alsup	Fuchs
Baker	Hanna
Blankenship	Hobbs
Brawner	Howard
Bruhl	Kersey
Bundy	King
Burkett	Lowry
Celaya	Murray
Colson, Mrs.	Reed of Dallas
Crossley	Sallas
Dwyer	Vale
Evans	

## Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

The Speaker then laid House Bill No. 372 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—110

Allen	Crosthwait
Allison	Davis
Avant	Dickson of Bexar
Bailey	Dickson of Nolan
Bean	Dove
Bell	Duckett
Benton	Ellis
Bridgers	Eubank
Brown	Favors
Bullock	Ferguson
Burnaman	Files
Carlton	Fitzgerald
Carrington	Gandy
Cato	Garland
Clark	Goodman
Cleveland	Halsey
Coker	Hardeman
Connelly	Harris of Dallas
Craig	Harris of Hill

Hartzog	Mills
Heflin	Montgomery
Henderson	Moore
Hileman	Morgan
Howington	Morris
Hoyo	Morse
Huddleston	Nicholson
Huffman	Pace
Hughes	Parker
Humphrey	Pevehouse
Hutchinson	Phillips
Issacks	Price
Jones	Reed of Bowie
Kelly	Ridgeway
Kennedy	Rhodes
Kinard	Roark
Klingeman	Roberts
Knight	Senterfitt
Lansberry	Sharpe
Lehman	Shell
Leyendecker	Skiles
Lock	Smith of Bastrop
Love	Smith of Atascosa
Lucas	Spacek
Lyle	Spangler
McAlister	Stanford
McCann	Stinson
McDonald	Stubbs
McGlasson	Thornton
McLellan	Turner
McMurry	Walters
McNamara	Wattner
Manford	Weatherford
Manning	White
Markle	Whitesides
Matthews	Winfree

Nays—2

Deen

Rampy

Absent

Alsup	Fuchs
Baker	Hanna
Blankenship	Hobbs
Brawner	Howard
Bruhl	Kersey
Bundy	King
Burkett	Lowry
Celaya	Murray
Colson, Mrs.	Reed of Dallas
Crossley	Sallas
Dwyer	Vale
Evans	

Absent—Excused

Anderson	Donald
Boone	Gilmer
Bray	Hargis
Chambers	Helpinstill
Daniel	Little

Martin	Taylor
Simpson	Voigt

Mr. Morris moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## SPECIAL ORDER SET

Mr. Alsup moved that House Bill No. 912 be set for special order at 11:00 o'clock a. m. next Tuesday.

The motion prevailed by the following vote:

Yeas—117

Allen	Hartzog
Allison	Heflin
Alsup	Henderson
Avant	Hobbs
Bailey	Howington
Baker	Hoyo
Bell	Huddleston
Benton	Hughes
Brawner	Humphrey
Bridgers	Hutchinson
Brown	Isaacks
Bullock	Jones
Bundy	Kelly
Burkett	Kennedy
Burnaman	Kersey
Carrington	Kinard
Cato	King
Clark	Klingeman
Cleveland	Knight
Coker	Lansberry
Colson, Mrs.	Lehman
Connelly	Leyendecker
Craig	Lock
Crosthwait	Love
Davis	Lucas
Deen	Lyle
Dickson of Bexar	McCann
Dickson of Nolan	McDonald
Dove	McGlasson
Duckett	McLellan
Dwyer	McMurry
Ellis	McNamara
Eubank	Manford
Favors	Manning
Ferguson	Markle
Files	Matthews
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Garland	Morgan
Goodman	Morris
Halsey	Morse
Harris of Dallas	Nicholson
Harris of Hill	Pace

Parker	Smith of Atascosa
Phillips	Spacek
Price	Spangler
Rampy	Stanford
Reed of Bowie	Stinson
Reed of Dallas	Stubbs
Ridgeway	Thornton
Rhodes	Turner
Roark	Walters
Roberts	Wattner
Senterfitt	Weatherford
Sharpe	White
Shell	Whitesides
Skiles	Winfree
Smith of Bastrop	

Nays—2

Hileman	Pevehouse
---------	-----------

Absent

Bean	Hardeman
Blankenship	Howard
Bruhl	Huffman
Carlton	Lowry
Celaya	McAlister
Crossley	Murray
Evans	Sallas
Hanna	Vale

Absent—Excused

Anderson	Hargis
Boone	Helpinstill
Bray	Little
Chambers	Martin
Daniel	Simpson
Donald	Taylor
Gilmer	Voigt

#### HOUSE BILL NO. 627 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, on its passage to engrossment,

H. B. No. 627, A bill to be entitled "An Act to amend Section 12 of House Bill No. 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 102, Chapter 41, page 1924, Second Called Session of the Forty - fifth Legislature, as amended by House Bill No. 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto seven new sections to be known as Sections 23a, 23b, 23c, 23d, 23e, 23f and 23g; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for

counties; to provide for the creation of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

The bill having heretofore been read second time.

Mr. Hanna moved to postpone further consideration of House Bill No. 627 until 10:30 a. m. next Tuesday.

On motion of Mr. Hughes the motion to postpone was tabled.

Mr. McLellan moved that House Bill No. 627 be laid on the table subject to call.

The motion prevailed.

#### NOTICE GIVEN

Mr. Hughes gave notice that he would, on the next legislative day, move to take up for consideration at that time House Bill No. 627, which bill was heretofore laid on the table subject to call.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 18, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 84, Granting James I. Morgan permission to sue the State.

H. C. R. No. 64, Granting J. H. Ferrel, trustee permission to sue the State.

Passed

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; etc.; and declaring an emergency."

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more than seventy thousand (70,000) and not more than eighty thousand (80,000),



according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million Dollars (\$40,000,000); etc.; and declaring an emergency." (With amendments).

Respectfully,

**BOB BARKER,**  
Secretary of the Senate.

### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 433, to the Committee on Counties.

### SENATE BILL NO. 433 ON SECOND READING

Mr. Bean moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that Senate Bill No. 433 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Allen	Crosthwait
Allison	Daniel
Alsup	Deen
Avant	Dickson of Bexar
Bailey	Dickson of Nolan
Baker	Duckett
Bean	Dwyer
Bell	Ellis
Benton	Eubank
Blankenship	Evans
Brawner	Favors
Bridgers	Ferguson
Brown	Files
Bundy	Fitzgerald
Burkett	Fuchs
Burnaman	Gandy
Carlton	Garland
Carrington	Goodman
Cato	Halsey
Clark	Hanna
Cleveland	Hardeman
Coker	Harris of Dallas
Colson, Mrs.	Harris of Hill
Connelly	Hartzog
Craig	Heflin
Crossley	Henderson

Hileman  
Hobbs  
Howard  
Howington  
Hoyo  
Huddleston  
Huffman  
Hughes  
Humphrey  
Hutchinson  
Isaacks  
Jones  
Kelly  
Kennedy  
Kersey  
Kinard  
King  
Klingeman  
Knight  
Lansberry  
Lehman  
Leyendecker  
Lock  
Love  
Lowry  
Lucas  
Lyle  
McCann  
McDonald  
McGlasson  
McMurry  
McNamara  
Manford  
Manning  
Markle  
Matthews  
Mills

Montgomery  
Moore  
Morgan  
Morris  
Morse  
Murray  
Nicholson  
Pace  
Parker  
Pevehouse  
Phillips  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Rhodes  
Roark  
Roberts  
Senterfitt  
Sharpe  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Spangler  
Stanford  
Stinson  
Stubbs  
Thornton  
Turner  
Walters  
Wattner  
Weatherford  
White  
Whitesides  
Winfree

### Absent

Bruhl	McAlister
Bullock	McLellan
Celaya	Sallas
Davis	Shell
Dove	Vale

### Absent—Excused

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for

the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**SENATE BILL NO. 433 ON  
THIRD READING**

The Speaker then laid Senate Bill No. 433 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—125

Allen	Fuchs
Allison	Gandy
Alsup	Garland
Avant	Goodman
Bailey	Halsey
Baker	Hanna
Bean	Hardeman
Bell	Harris of Dallas
Benton	Harris of Hill
Blankenship	Hartzog
Brawner	Heflin
Bridgers	Henderson
Brown	Hileman
Bundy	Hobbs
Burkett	Howington
Burnaman	Hoyo
Carlton	Huddleston
Carrington	Huffman
Cato	Hughes
Clark	Humphrey
Cleveland	Hutchinson
Coker	Isaacks
Colson, Mrs.	Jones
Connelly	Kelly
Craig	Kennedy
Crossley	Kersey
Crosthwait	Kinard
Daniel	King
Deen	Klingeman
Dickson of Bexar	Knight
Dickson of Nolan	Lansberry
Duckett	Lehman
Dwyer	Leyendecker
Ellis	Lock
Eubank	Love
Evans	Lowry
Favors	Lucas
Ferguson	Lyle
Files	McCann
Fitzgerald	McDonald

McGlasson	Ridgeway
McMurry	Rhodes
McNamara	Roark
Manford	Roberts
Manning	Senterfitt
Markle	Sharpe
Matthews	Skiles
Mills	Smith of Bastrop
Montgomery	Smith of Atascosa
Moore	Spacek
Morgan	Spangler
Morris	Stanford
Morse	Stinson
Murray	Stubbs
Nicholson	Thornton
Pace	Turner
Parker	Walters
Pevehouse	Wattner
Phillips	Weatherford
Price	White
Rampy	Whitesides
Reed of Bowie	Winfree
Reed of Dallas	

**Absent**

Bruhl	McAlister
Bullock	McLellan
Celaya	Sallas
Davis	Shell
Dove	Vale
Howard	

**Absent—Excused**

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

**HOUSE BILL NO. 22 ON  
SECOND READING**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 22, A bill to be entitled "An Act making an appropriation for use and benefit of the Lower Neches Valley Authority; designating who may sign warrants; providing for repayment to the State; and declaring an emergency."

The bill was read second time.

Mr. Cleveland offered the following amendment to the bill:

Amend House Bill No. 22, Section 1, line 12, by substituting the words and figures "Fifteen Thousand Dollars (\$15,000.00)."

Mr. Nicholson offered the following substitute for the amendment by Mr. Cleveland:

Amend House Bill No. 22, Section 1, line 12, by substituting the words and figures, "Five Thousand Dollars (\$5,000.00)."

(Pending consideration of the amendments, Mr. Kersey occupied the Chair temporarily.)

(Speaker in the Chair.)

Question recurring on the substitute amendment, it was adopted.

The amendment, as substituted, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 22 was then passed to engrossment.

#### MOTION TO PLACE HOUSE BILL NO. 22 ON THIRD READING

Mr. Nicholson moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 22 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—68

Allen	Evans
Alsup	Ferguson
Avant	Fuchs
Baker	Goodman
Bean	Halsey
Bell	Hardeman
Blankenship	Harris of Dallas
Brown	Hartzog
Burnaman	Heflin
Cato	Henderson
Clark	Hileman
Coker	Hoyo
Colson, Mrs.	Hutchinson
Connelly	Isaacks
Crosthwait	Kersey
Daniel	Kinard
Dickson of Bexar	Klingeman
Dickson of Nolan	Leyendecker
Dove	Lock
Duckett	Lowry
Dwyer	McAlister

McDonald  
McGlasson  
McMurry  
Manford  
Markle  
Montgomery  
Moore  
Morse  
Nicholson  
Pevehouse  
Phillips  
Price  
Rampy

Reed of Dallas  
Ridgeway  
Sharpe  
Shell  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Stinson  
Thornton  
Weatherford  
White  
Winfree

Nays—48

Allison  
Bailey  
Benton  
Brawner  
Bullock  
Burkett  
Carlton  
Carrington  
Craig  
Crossley  
Davis  
Deen  
Ellis  
Eubank  
Favors  
Fitzgerald  
Gandy  
Garland  
Hanna  
Harris of Hill  
Hobbs  
Howington  
Huffman  
Jones

Kennedy  
Knight  
Lansberry  
Lehman  
Love  
Lucas  
McLellan  
Manning  
Matthews  
Mills  
Morgan  
Morris  
Murray  
Pace  
Parker  
Reed of Bowie  
Roberts  
Sallas  
Senterfitt  
Stanford  
Stubbs  
Turner  
Walters  
Wattner

Absent

Bridgers	Kelly
Bruhl	King
Bundy	Lyle
Celaya	McCann
Cleveland	McNamara
Files	Rhodes
Howard	Roark
Huddleston	Spangler
Hughes	Vale
Humphrey	Whitesides

Absent—Excused

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

### HOUSE BILL NO. 9 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act providing for the processing tax of one cent (1¢) per gallon on all combustible condensates, such as refined gasoline, naphtha, casing-head gasoline, natural gasoline, drip gasoline, and all other combustible condensates of crude petroleum, natural gas, or any other product by any method of refining, manufacturing, processing, separating, extracting, compounding, blending, or storing, whether manufactured within or without this State, by any person, agent, manufacturer, producer, corporation, partnership, association, or otherwise, in any refinery, manufacturing plant, processing plant, separating plant, extracting plant, compounding plant, blending plant, storage plant, or any other place or by any other method used for the purpose of producing or storing combustible condensates, etc.; and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 9 pass to engrossment?

### GRANTING EMPLOYEES OF THE HOUSE A HOLIDAY

Mr. Kersey offered the following resolution:

H. S. R. No. 216, Granting Employees of the House a Holiday.

Whereas, The Members of the House of Representatives will be in Houston, Texas, on Saturday, April 19, in order to attend the Gridiron Dinner; now, therefore, be it

Resolved by the House of Representatives, That all employees of the House be dismissed for the period Friday, April 18, to Monday, April 21.

The resolution was read second time and was adopted.

### ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following members were

authorized to sign bills as coauthors of same, as follows:

Mr. Kelly: House Bill No. 821.

On motion of Mr. Bell and by unanimous consent of the House, permission was granted for any Member to sign House Bill No. 941.

### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hileman:

H. B. No. 936, A bill to be entitled "An Act providing that it shall be lawful in Cass County, Texas, for any person to kill, take, or have in his possession for barter or sale any wild fox or the pelts thereof from December 1 to December 31, inclusive, of any year; repealing all laws in conflict; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Lock:

H. B. No. 937, A bill to be entitled "An Act providing for a closed season for turkey in Angelina and Tyler Counties for five (5) years; prescribing a penalty for the violation of this Act, and repealing all laws in conflict."

Referred to Committee on Game and Fisheries.

By Mr. Favors, Mr. Reed of Bowie, Mr. Davis, Mr. Daniel, Mr. Price, Mr. Crossley, Mr. Craig, Mr. Eubank, Mr. Kersey, Mr. Goodman, Mr. McCann, Mr. Allison, Mr. Harris of Hill, Mr. Manning, Mr. Evans, Mr. Cato, Mr. McLellan, Mr. Dwyer, Mr. Huddleston, Mr. Sharpe, Mr. Stubbs, Mr. McMurry, Mr. Mills, Mr. Sallas, Mr. Lowry and Mr. Knight:

H. B. No. 941, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the "Social Security Account"; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumu-

lated; repealing all laws in conflict with this Act; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Kinard:

H. B. No. 943, A bill to be entitled "An Act regulating and prescribing limitations for all printing for the State of Texas and political subdivisions thereof; establishing the requirements of responsible bidders; prescribing penalties for the violations of the provisions of this Act; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Referred to the Committee on Labor.

Mr. Kinard asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 934.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Kinard:

H. B. No. 934, A bill to be entitled "An Act providing amount of payment to the Executive Committee in order to have the name placed on official ballot for Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

Mr. Ferguson asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 935.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Ferguson:

H. B. No. 935, A bill to be entitled "An Act authorizing the Adjutant General to purchase arms and equip-

ment from the War Department to equip the Texas Defense Guard; making an appropriation of \$65,000 therefor; and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Ferguson asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 938.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Ferguson:

H. B. No. 938, A bill to be entitled "An Act to amend Article 2940, Revised Civil Statutes of Texas, so as to authorize school trustees, including rural school trustees, to act as judge, clerk or supervisor of any election; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

Mr. Bell asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 939.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Bell:

H. B. No. 939, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas operating under the provisions of the General Laws of Texas and having a population of more than five thousand (5,000) in the issuance and sale of bonds, to aid in financing certain public improvements for which a loan or grant has been made by any agent or agency of the United States Government, including election orders, notices of elections, returns of elections, and orders canvassing election returns, including among others, instances wherein there have been irregularities in the giving of notice of elec-

tions, notwithstanding the fact that the notice of election was not published on the same day in each of two successive weeks; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Manning asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 940.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Manning:

H. B. No. 940, A bill to be entitled "An Act amending Section 3 of Article II of Chapter 495, Acts 1936, Forty-fourth Legislature, Third Called Session, as amended by Section 1 of Senate Bill No. 9, Acts 1939, Forty-sixth Legislature, Regular Session, page 541, to provide methods of determining the age of an applicant for or recipient of old age assistance; and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Clark asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 942.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Clark:

H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission shall limit

production of crude petroleum oil in this State to the reasonable market demand therefor, providing that the allowable production of oil shall be allocated among the pools in the State by the Railroad Commission; providing that the Railroad Commission shall ascertain the reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in determining reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in allocating and apportioning the allowable production of oil among the pools in this State; and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

#### ADJOURNMENT

Mr. Morris moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—80

Allison	Hardeman
Alsop	Harris of Hill
Avant	Heflin
Benton	Henderson
Brawner	Hileman
Bridgers	Hobbs
Brown	Howington
Bullock	Hoyo
Bundy	Huddleston
Burnaman	Huffman
Celaya	Hughes
Clark	Humphrey
Cleveland	Jones
Colson, Mrs.	Kersey
Crossley	Kinard
Daniel	Klingeman
Deen	Lansberry
Dickson of Bexar	Lehman
Dove	Leyendecker
Duckett	Lock
Dwyer	Lowry
Evans	Lyle
Ferguson	McAlister
Fitzgerald	McDonald
Fuchs	McMurry
Gandy	McNamara
Garland	Manford
Goodman	Markle

Matthews	Sallas
Mills	Sharpe
Montgomery	Shell
Morris	Skiles
Murray	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Thornton
Phillips	Walters
Price	Weatherford
Ridgeway	White
Rhodes	Whitesides
Roberts	Winfree

## Nays—47

Allen	Kelly
Bailey	Kennedy
Baker	King
Bean	Knight
Bell	Love
Burkett	Lucas
Carlton	McGlasson
Carrington	McLellan
Cato	Manning
Coker	Moore
Connelly	Morgan
Craig	Morse
Crosthwait	Rampy
Davis	Reed of Bowie
Ellis	Reed of Dallas
Eubank	Roark
Favors	Senterfitt
Files	Spacek
Halsey	Stanford
Hanna	Stinson
Harris of Dallas	Stubbs
Hartzog	Turner
Hutchinson	Wattner
Isaacks	

## Absent

Blankenship	Parker
Bruhl	Pevhouse
Dickson of Nolan	Spangler
Howard	Vale
McCann	

## Absent—Excused

Anderson	Helpinstill
Boone	Little
Bray	Martin
Chambers	Simpson
Donald	Taylor
Gilmer	Voigt
Hargis	

The House accordingly, at 4:40 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Appropriations: House Bills Nos. 818 and 866.

Eleemosynary and Reformatory Institutions: House Bill No. 923.

Criminal Jurisprudence: House Bill No. 867.

Insurance: House Bill No. 385; Senate Bill No. 11.

State Affairs: House Bill No. 853.

Game and Fisheries: House Bill No. 932.

Judicial Districts: Senate Bill No. 432.

Counties: Senate Bill No. 433.

Judiciary and Uniform State Laws: House Bills Nos. 512, 625, 632 and 790.

School Districts: House Bill No. 691; Senate Bill No. 219.

The Committee on Criminal Jurisprudence filed an adverse report with minority favorable report on House Bill No. 443.

The Committee on State Affairs filed an adverse report on House Bill No. 326.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, by adding Sections 1a and 1b hereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corpora-

tions transporting under certain circumstances and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 95, Commending certain people for lending their aid in creating a greater demand for the use of cotton and urging others to lend their support of this work.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 96, Authorizing the State Highway Department to lend to the City of Mineral Wells sufficient quantities of discarded wire to protect the fish life of Lake Mineral Wells.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 98, Authorizing the State Highway Department of Texas to lend to the City of Groesbeck certain equipment.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 926, A bill to be entitled "An Act to amend Section 1 of House Bill No. 820, Acts of 1931, Forty-second Legislature, Special Laws, page 189, Chapter 88, to empower and authorize counties having a population of three hundred and ninety thousand (390,000) inhabitants or more and less than four hundred and fifty thousand (450,000) inhabitants, and containing a city having a population of two hundred and ninety thousand (290,000) inhabitants or more, according to the last preceding Federal Census, jointly with such city to establish, own, and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 97, Providing for a Joint Session of the House and Senate at 10:30 on the morning of Friday, April 18, 1941.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 826, "An Act making it lawful to take or attempt to take any fish from the waters of the Peder-



nales River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict and specifically that part of House Bill No. 33, Chapter 16, page 17, Acts of the Regular Session of the Forty-fifth Legislature, in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 816, "An Act to create Road District No. 7, of Lavaca County, Texas; defining its boundaries; conferring upon said Road District all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said District, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; enacting provisions incidental and necessary to the subject and purpose of this Act; authorizing and empowering the Commissioners Court of Lavaca County, Texas, to proceed in the issuance of bonds of said District created by this Act in the manner provided by General Law for the issuance of road district bonds in ordinary road districts; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 2, of Lavaca County, Texas, as created by Chapter 390, of the Special Laws passed by the Thirty-ninth Legislature of this State, at its First Called Session in 1926 (a portion of the territory of said District being included in Section 1, of this Act), but the said Road District No. 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners Court of Lavaca County, Texas, passed and adopted by said Court on the 14th day of April, 1919, recorded in Book M, page 160,

et seq., of the Minutes of the Commissioners Court of said County, and to which order reference is made by said Chapter 390, creating the said Road District No. 2; and nothing herein shall be construed as prohibiting the territory now included within said Road District No. 2 from hereafter issuing road bonds on its faith and credit, within the limitations prescribed by Section 52, Article 3, of the Constitution of this State; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 808, "An Act making it lawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 802, "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 794, "An Act making it unlawful, for a period of five (5)

years, to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 784, "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants, heretofore incorporated and/or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; and validating all governmental proceedings performed by the governing bodies of such cities and towns since their incorporation or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 755, "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that otherwise the fishing laws of House Bill No. 1114, Acts of the Forty-sixth Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 717, "An Act amending Chapter 56, page 806, Special Laws of the Forty-sixth Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said County; providing a closed season during the months of March and April; prohibiting the sale of any fresh-water fish in said County; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from said County named in this Act; repealing all General and Special Laws in so far as they conflict with this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 409, "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-

sixth Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars (\$15,000,000), according to the last approved tax rolls; and providing that in all counties of not less than ten thousand, three hundred and eighty (10,380) inhabitants and not more than ten thousand, three hundred and ninety (10,390) inhabitants according to the 1940 Federal Census, the Commissioners' Courts thereof shall have the power to determine whether an Auditor for such county is a public necessity in the dispatch of the county's business, and if such Court determines that such necessity exists for such Auditor, it may appoint same, who shall qualify and perform the duties required of a County Auditor in this State, and such Commissioners Court shall have the power to discontinue such office at any time that it may determine that such Auditor be not a public necessity; and providing for additional compensation for the County Auditors in such counties having more than two hundred thousand (200,000) population and not more than three hundred thousand (300,000) population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid,

the remainder shall not be affected thereby; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 97, Providing for a joint session of both Houses to hear a message from the Governor.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

#### SENT TO THE GOVERNOR

April 17, 1941

House Concurrent Resolution No. 94.

April 18, 1941

House Bill No. 784.

House Bill No. 816.

House Bill No. 802.

House Bill No. 794.

House Bill No. 826.

House Bill No. 755.

House Bill No. 717.

House Bill No. 808.

House Bill No. 409.

House Concurrent Resolution No. 97.

In Memory of  
**Mrs. Lucy Taylor Mays**

---

Mr. Hileman offered the following resolution:

H. S. R. No. 214, In Memory of Mrs. Lucy Taylor Mays.

Whereas, On December 26, 1940, the Almighty God called to rest from her earthly labors Mrs. Lucy Taylor Mays, wife of Samuel Chesley Mays, at the age of seventy years; and

Whereas, Mrs. Lucy Taylor Mays was the beloved mother of eleven children among which was the Honorable Abe Mays who served in the Forty-fifth and Forty-sixth Legislatures; that she was a woman well loved in her community and State, and was an example of pioneer spirit; now,

Therefore, Be It Resolved, That the House of Representatives of the State of Texas acknowledge with regret the passing of this wonderful mother and that a copy of this resolution be spread upon the memorial pages of the House Journal as a token of the love and esteem which was held for this fine mother; and

Be It Further Resolved, That a copy of this resolution be sent to the family of the deceased and that when the House adjourns today it do so in silent memory of Mrs. Lucy Taylor Mays.

HILEMAN,  
McCANN.

The resolution was read second time and was unanimously adopted by a rising vote.